

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

ANTHONY A. COOPER,

Petitioner,

v.

THOMAS CARROLL, Warden,
And Carl C. Danberg, Attorney
General of the State of Delaware,

Respondent.

Civ. Action No.

06 - 396

MEMORANDUM OF LAW IN SUPPORT OF PETITION
UNDER 28 U.S.C. § 2254 FOR A WRIT OF HABEAS
CORPUS BY A PERSON IN STATE CUSTODY

APPENDIX



RD scanned

Anthony Cooper

Anthony Cooper #00275064
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Dated: *June 15, 2006* _____

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SUPREME COURT OF DELAWARE

CATHY L. HOWARD
Clerk

#3

SUPREME COURT BUILDING
55 THE GREEN
P.O. BOX 476
DOVER, DE 19903
(302) 739-4155

AUDREY F. BACINO
Assistant Clerk

December 19, 2003

DEBORAH L. WEBB
Chief Deputy Clerk

LISA A. SEMANS
Senior Court Clerk

John S. Edinger, Esquire
Assistant Public Defender
Carvel State Office Building
820 N. French Street
Wilmington, Delaware 19801

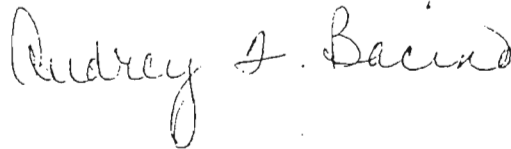
RE: *Anthony A. Cooper v. State*
No. 604, 2003
(Cr. ID No. 0301018775; Cr. A. No. IN03-02-0136)

Dear Mr. Edinger:

On December 19, 2003, Anthony Ashley Cooper filed a Notice of Appeal from the Superior Court's sentence of November 21, 2003, in the above-captioned matter. A copy of Mr. Cooper's Notice of Appeal and Directions to Court Reporter are attached for your review.

It appears that you represented Mr. Cooper in this matter. Therefore, the Court requests you to file a written statement on or before **December 29, 2003**, indicating that you recognize your continuing obligation under Supreme Court Rule 26(a) to represent Mr. Cooper in the captioned appeal. Please include with your statement a formal notice of appeal and directions to the court reporter, if appropriate.

Very truly yours,



Enclosure

cc: Mr. Anthony A. Cooper
Loren C. Meyers, Esquire (with copy of Notice of Appeal and Directions)
Ms. Sharon Agnew, Prothonotary (with copy of Notice of Appeal and Directions)

Exhibit - H-1

p4-1

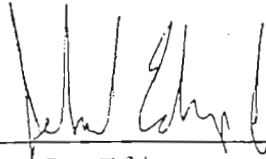
IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANTHONY COOPER,)
)
Defendant Below,)
Appellant,)
)
v.) No. 604, 2003
)
STATE OF DELAWARE)
)
Plaintiff Below,)
Appellee.)

MOTION TO WITHDRAW AS COUNSEL

JOHN S. EDINGER, JR., ESQUIRE, attorney for Appellant,
hereby moves pursuant to Supreme Court Rule 26(c) that this
Honorable Court grant him leave to withdraw as counsel. Counsel
states that he has made a conscientious examination of the record
and the law and concludes that an appeal is wholly without merit.

WHEREFORE, counsel requests that the Court allow him to
withdraw.



John S. Edinger, Jr., Esquire
Assistant Public Defender
820 North French Street
Wilmington, DE 19801

Dated: April 8, 2004

ORDER

SO ORDERED this _____ day of _____, 2004.

JUSTICE

Exhibit A-2

Victim Number
003 Continued

Victim Information

Address 003 Continued		Resident Status	Home Telephone	Employer/School	Work Telephone
Reporting Person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Victim Injured? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Victim Deceased? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Officer Comments		
Injuries		Description of Injuries			

Suspect/Defendant Information

Sequence 001	Type Suspect	SBI Number 00275064	Name COOPER, ANTHONY A J		Nick Name
Sex Male	Race Black	Ethnic Origin Non-Hispanic	Age 54	D.O.B. 08/11/1948	Height 5' 09"
Weight 150	Skin Tone Dark	Eye Color Brown			
Hair Color Black	Hair Length	Hair Style	Facial Hair	Voice Speech	Teeth
Build	Glasses				
Disguise	Disguise Color(s)	Resident Status Full Time	Unusual Characteristics	Armed With Illegal Cutting Instrument	
Address 2412 N MARKET ST APT 205 WILMINGTON, DE 19802		Home Telephone (302) 777-5857	Employer/School TACO BELL	Work Telephone	
Arrest Number	Suspect's Clothing Description				

Crimes and Associated Information

Victim Number 001	Crime Seq 003	Statute DE:11:0613:00A1:F:C	Crime Description Assault First Degree-Intentional Serious Injury-Weapon Dangerous Instrument		
Location Type Highway/Roadway/Alley		Status Pending-Active	Involvement <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer	General Offense	
Suspected Hate/Bias <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - N/A		Crime Code 13234B - Aggravated Assault/Non-Family Knife/Cutting Instrument			
Burglary Force Involved <input type="checkbox"/> Yes <input type="checkbox"/> No		Weapon/Force Used Knife/Cutting Instrument	Assault Factor Other Felony Involved		
M. O. Information	MO Class Means of Attack		MO Description Knife		
Victim Number 001	Crime Seq 005	Statute DE:11:0621:00A1:M:A	Crime Description Terroristic Threatening		
Location Type Highway/Roadway/Alley		Status Pending-Active	Involvement <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer	General Offense	
Suspected Hate/Bias <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - N/A		Crime Code 13234B - Aggravated Assault/Non-Family Knife/Cutting Instrument			
Burglary Force Involved <input type="checkbox"/> Yes <input type="checkbox"/> No		Weapon/Force Used Knife/Cutting Instrument	Assault Factor Other Felony Involved		
M. O. Information	MO Class Means of Attack		MO Description Knife		
Victim Number 002	Crime Seq 004	Statute DE:11:0602:000B:F:E	Crime Description Aggravated Menacing		
Location Type Highway/Roadway/Alley		Status Pending-Active	Involvement <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer	General Offense	
Suspected Hate/Bias <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - N/A		Crime Code 13234B - Aggravated Assault/Non-Family Knife/Cutting Instrument			
Burglary Force Involved <input type="checkbox"/> Yes <input type="checkbox"/> No		Weapon/Force Used Knife/Cutting Instrument	Assault Factor Argument		
M. O. Information	MO Class Means of Attack		MO Description Knife		
Victim Number 002	Crime Seq 006	Statute DE:11:0621:00A1:M:A	Crime Description Terroristic Threatening		
Location Type Highway/Roadway/Alley		Status Pending-Active	Involvement <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer	General Offense	
Suspected Hate/Bias <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - N/A		Crime Code 13234B - Aggravated Assault/Non-Family Knife/Cutting Instrument			
Burglary Force Involved <input type="checkbox"/> Yes <input type="checkbox"/> No		Weapon/Force Used Knife/Cutting Instrument	Assault Factor Other Felony Involved		
M. O. Information	MO Class Means of Attack		MO Description Knife		
Victim Number 003	Crime Seq 001	Statute DE:11:1447:0000:F:B	Crime Description Possession of a Deadly Weapon During the Commission of a Felony		
Location Type Highway/Roadway/Alley		Status Pending-Active	Involvement <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer	General Offense	
Suspected Hate/Bias <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - N/A		Crime Code 5212 - Possession of Weapon			
Burglary Force Involved <input type="checkbox"/> Yes <input type="checkbox"/> No		Criminal Activity Possessing/Concealing	Weapon/Force Used Knife/Cutting Instrument		
Evidence Information	Evidence Type Other Items	Date Collected 01/29/2003	Time Collected 0330	Collected By HARRISON	

Reporting Officer
CPL SNYDER - 6291 2Supervisor Approval
MARK C LEMON OJWIMCL Date 02/12/2003 2156

Exhibit H-3

pg-3

Reported Date and Time
WED 01/29/2003 0303

Domestic Incident Report

Occurred:
WED 01/29/2003 0300Location:
209 W 24TH ST Wilmington, DE 19802

M.O. and Incident Overview:

LISTED DEF. APPROACHED THE VICTIMS AS THEY WERE SEATED IN A VEHICLE, AND PROCEEDED TO STAB THE FEMALE VICTIM IN THE CHEST AREA, AND LEFT HAND AS SHE SAT IN THE FRONT PASSENGERS SEAT OF THE VEHICLE.

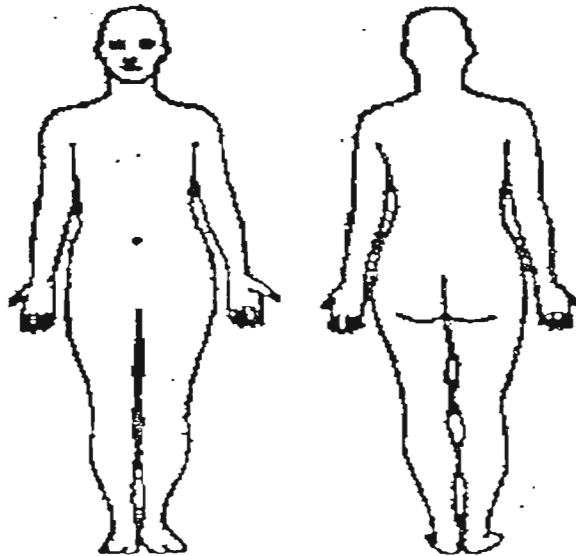
Grid 222-222	Sector 14	County New Castle	Domestic Related <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	4-F-14 Sent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Gen Broadcast Sent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Risk Assessment Done? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		Any Children Present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Juvenile Residents <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Intimate Relationship <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Extended Reason for call
Active with Family Services? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Caseworker Name		Complainant in Other case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Agency
Victim Reported Prior Incident? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Violent Activity? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Was DFS Notified? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DFS Caseworker Notified
Court Orders Active? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Active Orders No Contact		Order Description	
<input type="checkbox"/> Arrest Made		<input type="checkbox"/> No Arrest Made		<input type="checkbox"/> Suspect GOA	<input type="checkbox"/> No Crime
				<input checked="" type="checkbox"/> Warrant Pending	<input type="checkbox"/> Other

Victim Information

Victim Number 001					
Type	Sex	Race	Ethnic Origin	Age	D.O.B.
Address		Resident Status	Home Telephone	Employer/School	Work Telephone
Reporting Person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Victim Injured? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Victim Deceased? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Officer Comments	
Injuries Possible Internal Injury Severe Laceration		Description of Injuries			

Risk Assessment

- ☐ 1. Gun present in the home or accessible to the suspect
☒ 2. Suspect has used or threatened to use a weapon
☐ 3. Parties had a recent separation or threatened separation
☒ 4. Suspect abuses alcohol
☐ 5. Suspect uses illegal drugs or abuses legal drugs
☒ 6. Increase in frequency or severity of violence
☐ 7. Suspect is violent outside the relationship
☐ 8. Suspect has destroyed cherished personal items
☐ 9. Suspect is jealous or attempts to control partner
☐ 10. Suspect has accused the victim of cheating
☐ 11. Suspect has said, "If I can't have you, no one can."
☒ 12. Suspect threatens to kill
☐ 13. Suspect contemplated, threatened, or attempted suicide
☐ 14. Suspect violent toward children
☐ 15. Suspect has injured or killed pets
☐ 16. Suspect has forced victim to have sex when victim did not agree
☐ 17. Suspect has directed violence toward pregnant partner
☐ 18. Victim is currently pregnant
☐ 19. Victim contemplated, threatened, or attempted suicide
☒ 20. Suspect has mental health history
☒ 21. Has either party recently filed for a PFA/divorce/other legal filings

Alternate Telephone
(302) 652-2185

Victim Number 002					
Type	Sex	Race	Ethnic Origin	Age	D.O.B.
Address		Resident Status	Home Telephone	Employer/School	Work Telephone
Reporting Person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Victim Injured? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Victim Deceased? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Officer Comments	
Injuries		Description of Injuries			

Victim Number 003					
Type Society/Public	Sex	Race	Ethnic Origin	Age	D.O.B.

Reporting Officer
CPL SNYDER - 6291 2Supervisor Approval
MARK C LEMON OJWIMCL Date 02/12/2003 2156

Crimes and Associated Information

Address 299 W 24TH ST Wilmington		Other Location	
Type of Processing		Disposition TOT EDU.	
Description 2 STEAK KNIVES WITH WOODEN HANDLES.			
Item Style	Item Type	Serial Number	Brand
Victim Number 003	Crime Seq 002	Statute DE:11:1447:0000:F:B	Crime Description Possession of a Deadly Weapon During the Commission of a Felony
Location Type Highway/Roadway/Alley		Status Pending-Active	Involvement <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer
Suspected Hate/Bias <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - N/A		Crime Code 5212 - Possession of Weapon	
Burglary Force Involved <input type="checkbox"/> Yes <input type="checkbox"/> No		Criminal Activity Possessing/Concealing	Weapon/Force Used Knife/Cutting Instrument
Evidence Information	Evidence Type Other Items	Date Collected 01/29/2003	Time Collected 0330
	Collected By HARRISON		
Address 299 W 24TH ST Wilmington		Other Location	
Type of Processing		Disposition TOT EDU	
Description 2 STEAK KNIVES WITH WOODEN HANDLES.			
Item Style	Item Type	Serial Number	Brand
Victim Number 003	Crime Seq 007	Statute DE:11:2113:00C2:M:	Crime Description Breach of Release
Location Type Highway/Roadway/Alley		Status Pending-Active	Involvement <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer
Suspected Hate/Bias <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - N/A		Crime Code 5013 - Conditional Release Violation	
Burglary Force Involved <input type="checkbox"/> Yes <input type="checkbox"/> No			

Victim - Suspect/Defendant Relationships

Victim - 001	Suspect/Defendant - 001 COOPER, ANTHONY A J	Victim Offender Relationship Boyfriend/Girlfriend
Victim - 002	Suspect/Defendant - 001 COOPER, ANTHONY A J	Victim Offender Relationship Acquaintance
Victim - 003 Society/Public	Suspect/Defendant - 001 COOPER, ANTHONY A J	Victim Offender Relationship Victimless Crime

Witness Information

Sequence 001	Type	Name	Sex	Race	Age	D.O.B.
Address		Home Telephone	Employer/School	Work Telephone		

Investigative Narrative

THESE OFFICERS (SNYDER & MULLIN) RESPONDED TO 211 WEST 24TH STREET IN REGARDS TO A CUTTING. UPON ARRIVAL, THESE OFFICERS SPOKE WITH V-2 (), WHO ADVISED THAT AT THE ABOVE LISTED DATE AND TIME OF OCCURRENCE, HE, ALONG WITH HIS SISTER V-1 () WERE ENTERING HIS 1998 TOYOTA CAMRY (WHITE) BEARING DE.REG.222050, WHICH WAS PARKED IN THE 200 BLOCK OF WEST 24TH STREET (NORTH SIDE OF THE STREET). V-2 () ADVISED THAT HE HAD ENTERED THE FRONT DRIVERS SEAT, WHILE HIS SISTER, V-1 (), ENTERED THE FRONT PASSENGERS SEAT. V-1 () STATES THAT AS HE WAS ATTEMPTING TO START HIS VEHICLE, HE OBSERVED THE SUSPECT (COOPER, ANTHONY) APPROACH THE FRONT PASSENGER DOOR OF HIS VEHICLE, BRANDISHING 2 STEAK KNIVES SCREAMING "I'M GOING TO FUCKEN KILL YOU BITCH". V-2 () STATES THAT HIS SISTERS DOOR WAS STILL OPEN AS THE SUSPECT APPROACHED HIS VEHICLE. V-2 () STATES THAT UPON OBSERVING THIS, HE EXITED HIS VEHICLE AND RAN AROUND TO THE FRONT PASSENGER DOOR, IN AN ATTEMPT TO GET THE SUSPECT (COOPER) AWAY FROM HIS SISTER. BUNTING STATES THAT AS HE WAS RUNNING AROUND THE VEHICLE, THE SUSPECT (COOPER) PROCEEDED TO STAB HIS SISTER WITH THE STEAK KNIVES IN HER UPPER BODY, AS SHE SAT IN THE FRONT PASSENGER SEAT OF HIS VEHICLE. UPON REACHING THE SUSPECT, () STATES THAT THE SUSPECT (COOPER) TURNED IN HIS DIRECTION, WAVING THE 2 STEAK KNIVES, AND STATING "I'M GOING TO FUCKEN KILL YOU TOO". () ADVISED THAT AT THIS TIME HE GRABBED THE SUSPECT, AND BEGAN FIGHTING WITH HIM. () FURTHER

Reporting Officer
CPL SNYDER - 62912

Supervisor Approval
MARK C LEMON OJWIMCL Date 02/12/2003 2156

Investigative Narrative - Continued

ADVISED THAT IT WAS AT THIS TIME THAT W-1 [REDACTED], WHO WAS STANDING ON THE FRONT PORCH OF [REDACTED] STREET, AND OBSERVED THE INCIDENT TAKING PLACE, RAN DOWN OFF OF THE PORCH AND ALSO BEGAN TO ATTEMPT TO SUBDUED THE SUSPECT. V-2 [REDACTED] STATES THAT DURING THE PHYSICAL ALTERCATION, HE REACHED DOWN ON THE SIDE WALK AND LOCATED A PIECE OF CONCRETE. [REDACTED] STATES THAT HE WAS ABLE TO PICK UP THE PIECE OF CONCRETE AND PROCEEDED TO STRIKE THE SUSPECT IN THE HEAD AREA, WHICH CAUSED THE SUSPECT TO DROP THE KNIVES, AND FALL TO THE SIDE WALK. IT WAS AT THIS TIME THAT ASSISTING UNITS ARRIVED, AND WERE ABLE TO PLACE THE SUSPECT (COOPER) IN HANDCUFFS. THE ORIGINAL VICTIM V-1 [REDACTED] WAS LOCATED INSIDE OF HER MOTHERS HOUSE AT [REDACTED] BLEEDING FROM LACERATIONS TO HER CHEST AREA, AS WELL AS FROM A PUNCTURE TYPE WOUND TO THE LEFT HAND AREA. THE VICTIM [REDACTED] WAS ABLE TO TELL THIS OFFICER THAT SHE WAS STABBED BY HER EX-BOYFRIEND (COOPER, ANTHONY) AS SHE WAS SITTING IN HER BROTHERS CAR ATTEMPTING TO GET A RIDE HOME. APPARENTLY THE SUSPECT (COOPER) WAS OUTSIDE OF THE VICTIMS MOTHERS HOME, AND WAS AWARE THAT SHE WAS THERE, DUE TO THE FAMILY GETTING TOGETHER EARLIER IN THE DAY FOR A FUNERAL. THE VICTIM [REDACTED] WAS TRANSPORTED TO THE CHRISTIANA HOSPITAL BY KEYSTONE AMBULANCE SUFFERING FROM NUMEROUS STAB WOUNDS. THE SUSPECT (COOPER) WAS ALSO TRANSPORTED TO THE CHRISTIANA HOSPITAL SUFFERING FROM HEAD TRAUMA WHICH OCCURRED DURING THE PHYSICAL ALTERCATION WITH V-2 [REDACTED], AND W-1 [REDACTED]. TREATMENT FOR BOTH SUBJECTS WAS INCOMPLETE UPON THE COMPLETION OF THIS REPORT. THESE OFFICERS RESPONDED TO CENTRAL AND SIGNED WARRANTS FOR THE SUSPECT (COOPER, ANTHONY) FOR ASSAULT 1ST DEGREE, P.D.W.D.C.F., TERRORISTIC THREATENING, AS WELL AS VIOLATION OF A NO CONTACT ORDER, AGAINST V-1 [REDACTED]. WARRANTS WERE ALSO SIGNED FOR THE SUSPECT (COOPER) FOR AGGRAVATED MENACING, P.D.W.D.C.F., AND TERRORISTIC THREATENING AGAINST V-2 [REDACTED]. EDU WAS NOTIFIED, AND CPL. ED HARRISON RESPONDED TO THE SCENE FOR PROCESSING, AS WELL AS EVIDENCE COLLECTION. IT SHOULD BE NOTED THAT 2 STEAK KNIVES WERE LOCATED ON THE SIDE WALK APPROX. 3 FEET FROM THE PASSENGERS FRONT DOOR OF THE VEHICLE IN QUESTION. ON 11 FEB 03 THIS OFFICER SPOKE WITH DR. BRIAN LEVINE IN REGARDS TO V-1'S [REDACTED] INJURIES. DR. LEVINE ADVISED THAT JONES REQUIRED 5 STITCHES TO CLOSE THE WOUNDS ON HER CHEST AREA. JONES ALSO UNDERWENT SURGERY ON 29 JAN 03 FOR THE STAB WOUND TO HER LEFT HAND. THE VICTIM [REDACTED] SUFFERED TENDON, NERVE, AS WELL AS LIGAMENT DAMAGE TO HER LEFT HAND AS A RESULT OF THE STABBING. THE SURGERY WAS CONDUCTED BY DR. DANYO, WHO IS A HAND SPECIALIST, AND THE VICTIM [REDACTED] WAS RELEASED FROM THE HOSPITAL ON 1 FEB 03. THE DEF. (COOPER) WAS TREATED BY DR. LEVINE FOR SCALP ABRASIONS, AS WELL AS FOR A SMALL CUT IN HIS UPPER LIP. THE DEF. (COOPER) WAS RELEASED TO THESE OFFICERS ON WED 29 JAN 03 AT 0740HRS, TRANSPORTED TO CENTRAL, AND BOOKED ON THE ABOVE MENTIONED CHARGES.

Reporting Officer CPL SNYDER - 6291 2		Supervisor Approval MARK C LEMON OJWIMCL Date 02/12/2003 2156	
Detective Notified		Referred To	
Scalability Factors	Witness Suspect Located	M. O. Suspect Described	Trace Stolen Property Suspect Identified
		Suspect Named	Status Has Follow Up
		Suspect Vehicle Identified	

09/05/2003 09:39 MITCHELL BLDG → 95777849

NO. 199 0001



**DELAWARE HEALTH
AND SOCIAL SERVICES**

DIVISION OF SUBSTANCE
ABUSE AND MENTAL HEALTH

DELAWARE PSYCHIATRIC CENTER

Jane E. Mitchell Building

Fax Machine: 255-4439

Facsimile Cover Sheet

Date: 9-5-03

To: Drew

From: Marita

Re: Cooper

Fax Number: 577-7849

Phone Number: 255-9700

6 Pages + 1 page cover letter

Comments: _____

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Exhibit - A-4

pg. 7

09/05/2003 09:39 MITCHELL BLDG → 95777849

NO. 189 P001

DELAWARE PSYCHIATRIC CENTER
MITCHELL BUILDING
MENTAL HEALTH EXAMINATION

EXAMINEE: Anthony A. Cooper

ID# 0301018775

DATE OF BIRTH: 08/11/1948

DATE OF EXAMINATION: 07/21/2003

EXAMINER: Crista McDaniel, Psy.D.

REASON FOR REFERRAL:

Mr. Cooper was referred for an evaluation to assess whether he is able to understand the nature of the proceedings against him, to give evidence in his own defense, or to instruct counsel in his behalf per the Order of the Honorable Richard R. Cooch In The Superior Court Of The State Of Delaware In And For New Castle County.

NOTIFICATION:

Mr. Cooper was informed that this examination was being conducted per Court Order, and that a report would be sent to the Judge, the prosecutor, and the defense attorney. He was informed of the purpose of the examination and that there was is no confidentiality for such an examination. Mr. Harris was able to restate the purpose of the evaluation and agreed to proceed.

RESOURCES REQUESTED:

Criminal History
Records from Delaware Psychiatric Center
Records from Child, Inc.
Client Interview Worksheet
Records for First Correctional Medical
Records from Wilmington Hospital
Records from Probation, Wilmington DE

RESOURCES REVIEWED:

Criminal History
Client Interview Worksheet
Records for First Correctional Medical
Warrant A & B
Records from Delaware Psychiatric Center

BACKGROUND HISTORY:

On or about the 29th of January 2003, Mr. Cooper is alleged to have intentionally caused serious physical injury to Sylvia D. Jones by puncturing her left hand and causing several lacerations to the chest. He is also alleged to have displayed two steak knives to Dwight P. Bunting causing him to fear imminent physical injury. Mr. Cooper is charged with two counts of Possession Of A Deadly Weapon During The Commission Of A Felony, Assault, First Degree-Intentional Serious Injury-Weapon Dangerous Instrument, and Aggravated menacing, Displaying What Appears To Be A Deadly Weapon.

MENTAL STATUS:

Mr. Cooper is a 55-year-old African American male, who looked somewhat older than his stated age. Mr. Cooper had difficulty speaking, in that, he gasped for air between sentences. Despite his efforts to breathe, Mr. Cooper spoke fluently, sequentially, coherently, and his content was goal-directed. His attention and concentration were good. Mr. Cooper's hygiene and grooming appeared appropriate. His gross motor skills appeared intact, including gait, balance, and posture. No obvious difficulties in fine motor abilities and no evidence of tremors or serious coordination problems were observed. It was apparent that Mr. Cooper had a breathing problem that impacts his level of activity.

Mr. Cooper described his mood as "depressed." His mood and affect appeared congruent. His attitude was cooperative and he was relatively open about his situation. He denied homicidal ideations, but then corrected this, saying he had passing homicidal ideations, but denied having any homicidal intentions at this time. Mr. Cooper indicated that he has passing suicidal thoughts, but also indicated that he did not plan to act on these ideations at this time. Mr. Cooper denied any hallucinations or delusions, and none were elicited in the interview. He did say that when he drank, he saw "types of things drunk people see when they are drunk, but I still knew reality. Mr. Cooper said he has heard voices during periods of deep depression or when very intoxicated. He added, "They give me cause for concern, but they are not frightening." When asked about obsessional thoughts, Mr. Cooper said that he used to be almost obsessive about sexual acts with his former companion and with new companions. He noted that he compulsively cleans his apartment, washes his hands, and checks locks. When questioned, many of his behaviors, except for the sexual acts, fit more of a picture of perfectionistic tendencies rather than actual compulsive acts. Mr. Cooper denied any feeling of general paranoia.

Mr. Cooper said he is being treated with Paxil and Wellbutrin and explained that he feels more at ease. He said he used to "Drink to alleviate the pain." He also explained that he had undergone lung reduction surgery for emphysema and that the surgery had helped him breathe. He explained that the emphysema caused "mobile interference." Mr. Cooper also explained that he was working through feelings of loss and grief, because of the death of an uncle on Thanksgiving, that he had a daughter that died as an adult, and the loss of his father and father-in-law. He said, "I don't know how I am handling it."

Mr. Cooper was oriented to person, place, and time. He was able to recall three out of three novel items immediately, but only one item spontaneously after five minutes. He was able to name all three with a prompt. However, five minutes later he was able to provide all three words without prompts. Mr. Cooper was able to accomplish mental reversals—counting backwards from twenty, giving the months of the year reversed, and spelling the word 'world' backwards. He was slow in the completion of the mental reversals, but did complete all that was asked of him. He generated a large number of items for a specific category and seemed to enjoy the exercise.

Mr. Cooper had some difficulty pointing out the similarities between four of the six items he was given, and he provided no interpretation to the proverbs he was given. He answered "Nothing." to each proverb. The two similarity items he answered demonstrated an ability to think abstractly. Mr. Cooper's judgment and insight about his mental health situation appeared intact. He was able to respond to visual and verbal directions, and to complete a small stepwise task without difficulty.

Mr. Cooper's fund of general information appeared average, he was able to name four of the last five Presidents. His vocabulary skills were average to above average. Mr. Cooper's numerical reasoning was intact. He was able to answer all the simple addition, subtraction, multiplication, division problems he was given and he was able to answer more complex addition and subtraction problems without a paper and pencil. His answers were quick and sure.

COMPETENCY-RELATED ABILITIES:

Mr. Cooper was asked to define the following items:

Defend – "Protect."

Competent – "Adequate."

Assist – "To Help."

Plea Bargain – "It is an unsubstantiated deal or barter for freedom, when you are afraid of the consequences in court."

Verdict – "A determination."

Not Guilty By Reason Of Insanity – "No idea."

Guilty But Mentally Ill - "Your sick."

Probation – "Period of observation, when you take on new responsibilities. They monitor my behavior. (Who?) Probation officer."

Guilty – "Responsible for an act."

Not Guilty – "You are not responsible for an act."

Witness – Someone who observed some action or behavior – can be for both sides."

Prosecutor – "Someone who represents the people's side – the State's. They are trying to prove someone's guilt."

CHRISTIANA CARE
HEALTH SERVICESDepartment of Psychiatry
PSYCHIATRIC ADMISSION ASSESSMENT

(Comprehensive Assessment Form Supplement 1)

900548512
8/11/48

INSTRUCTIONS:

To be completed by a psychiatrist within 24 hours of an Inpatient Admission.

Side 1

Anthony Cooper

Additional Current Clinical Information: ☐ Yes ☐ No

(see ER notes)
54yrs, dir. h of, disabled, former cook (GED education), father of 2 adult
children. (little contact), requests for 1st ATP referral to ER & then to local
for psychiatric eval. (depression, bipolar, violent & impulsive behavior, an
previous death with & some plans/acts - contracts for safety, & psychiatric features
reluctant to laugh & ongoing STOH/cocaine abuse; ER tox & DTG

Additional Psychiatric/Medical History and Treatment: ☐ Yes ☐ No

PMH: & Td/low, & WDA

& D/A Reluctant
Detox & multiple day hospitalization
for STOH & decades (anything
cocaine x 15yrs available)
THC

Stressor: recent (aid term (1yr), common
wife left him alone ("I can't go
back it back") lost her; has lived
"no \$ for pills" & months; continues
use THC

Is patient a reliable historian? ☐ Yes ☐ No Describe:

From Mr. A "breakdown" (hospital); legal: 1yr prison (0.4yr) for drug, known to
Hercules

MENTAL STATUS EXAM

Appearance: clean, dress to goSpeech patterns: fluentBehavior: cooperativeAttitude toward Examiner: cooperativeMood: depressedAffect: labile - sadDanger to Self: 2Danger to Others: 2Thought Processes: goal directed, DFTDThought Content: & delusional/paranoiaSensorium: Alert Other: _____ Orientation: _____ Person _____ Place _____ Time _____ DisorienAttention Span: Intact (spells: "WORLD" backwards:) _____ Impaired Concentration: Intact (Serial 7's X 5) _____ Impair

CHRISTIANA CARE
HEALTH SERVICESDepartment of Psychiatry
PSYCHIATRIC ADMISSION ASSESSMENT

Side 2

900548512
Coper Anthony
8/11/48

MEMORY	INTACT	IMPAIRED
Immediate Memory: (3 objects in 5 seconds)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Short-Term Memory: (3 objects in 5 minutes)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Long Term Memory: (address, phone number)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Fund of Information: Presidents: Past 3 ☒Ability to Abstract: (Apples/Oranges, Glass House) ☒Intellectual Functioning: ☐ Superior ☐ Above Average ☒ Average ☐ Below Average ☐ LimitedJudgment: ☒ Intact ☐ Impaired / Describe: _____Insight to illness/ situation ☐ Good ☒ Fair ☐ Poor

D I A G N O S I S	AXIS I	Adjustment Disorder, depressed w/ substance induced mood disorder 4x 500mg Cocaine / THC abuse ; no MDD
	AXIS II	manic P.D. (borderline / adult social features)
	AXIS III	COPD, HTN, Hype
	AXIS IV (Psychosocial Stressors)	recent stress (breakup GF, jail time)
	AXIS V Global Assessment functioning	Current <u>40</u> Past Year <u>2</u>

INITIAL TREATMENT PLAN

PROBLEM	TARGET SYMPTOMS	GOAL	INTERVENTIONS
① Depression D 4x 500mg THC Cocaine	- panic attacks - insomnia - anhedonia - weight loss - isolation	maintain safety contact abstinence	ADP admit GROOP / maintain Tx Indice 10x Clonidine CBTx / Relaxor DIA Rehab D/C planning

I have interviewed the patient and reviewed the comprehensive assessment form.

Resident: _____ Signature _____ Print Name _____ Date _____

Supervising Psychiatrist: _____ Signature _____ W. Borton, M.D. _____ Date _____

Attending Psychiatrist: _____ Signature _____ _____ Date _____



Department of Psychiatry
COMPREHENSIVE ASSESSMENT

Instructions:

1. This form is to be completed by a mental health professional (psychotherapist, nurse, psychologist, psychiatrist) to assess a patient's past and present level of psychiatric functioning.
2. Complete form by marking boxes and answering questions. Psychiatrists may use their ID # in lieu of printed name.

Note: For inpatient hospitalization form should be completed w/in 24 hours of admission.

Place of contact WED Rm # 7

Date of interview 10/16/02

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1- 16 02 AGE 054 DOB 08 11
COOPER, ANTHONY A JR
00045292592 0009005485
RACE
SE

IDENTIFICATION

Name Cooper, Anthony Address 2412 N. Market St. Wilm, De 19802
Phone () Age 54 DOB 8-11-48 Sex: ☒ male ☐ female Religious Affiliation Nme Practicing ☒ Yes ☐ No
Note any religious beliefs/practices that may affect mental health treatment none noted (common law) has been going to
Marital Status ☐ Married ☐ Single ☐ Divorced(Div) ☐ Separated(Sep) ☐ Widowed(Wid) ☒ Div/Sep, or Wid, date: 6mo Occupation disabled
Race ☒ Black ☐ White ☐ Hispanic ☐ Oriental ☐ Other _____ Note any cultural values/practices that impact on treatment? none note
Referral Source _____ Brought to hospital By self

PRESENT ILLNESS

Chief Complaint / Reason for Referral Depressed
Source of Information pt.
History of Presenting Problem: What were the precipitating factors? What symptoms have you been experiencing? 54 y.o B/m came to WE requesting psych eval. A+Ox3. Tearful. States he was released from jail 6mo ago p 1yr. Common law wife of 24 yrs left him p his return. She is in new relationship. States he hasn't been able to "get over it... I just don't understand why." Requested to go to counseling for closure but she declined. States depression s/s have continued to intensify. C/o ↓ sleep, ↓ appet w/ loss, hopeless, helpless. Admits to fleeing SI & PHI. Denies current SIH ideation & plan oriented. No hx attempts. Contr for safety. Denies Alv hallucinations. Admits to Detox. States he has ~ 15yr hx of crack cocaine abuse (wife was also in addiction). States he's been clean 1yr 6 since going to jail. last few days has returned to drug environment. Visits people who are using in his presence. Denies use himself. UDS (+m) only. Tearful throughout interview. Wants help. Declines offer of voluntary in. pt hospitalization & is not currently commutable. Is agreeable to arranging intake interview @ PHC later today will call to arrange. Plw Dr. Scott

Current Treatment ☐ Yes ☒ No Therapist _____ Frequency and Length _____

RECENT STRESSORS

Relationships 24 yr common law marriage - She ended/left 6mo ago.
Family estranged from his children & grandchildren since
Health Emphysema, Hep C, HTN
Job disabled
Financial Strained Legal released from jail 6mo ago Other risk taking behaviors w/ her crack



Department of Psychiatry
COMPREHENSIVE ASSESSMENT

10 16 02 AGE 054 DOB 08 11 9
COOPER, ANTHONY A JR SEX
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SUICIDALITY

Ever thought about suicide? ☒ Yes ☐ No If yes, when was the last time? fleeing Circumstances re: being lonely/depressed

Any history of violent behavior(s)? ☐ Yes ☒ No Describe _____

Current suicidal thoughts? ☐ Yes ☒ No Plan? ☐ Yes ☒ No If yes, describe _____

Carried out Plan? ☐ Yes ☒ No If yes, describe _____

Self mutilation? ☐ Yes ☒ No If yes, describe _____

Current command hallucinations of self-harm? ☐ Yes ☒ No

Do you intend to harm yourself while here? ☐ Yes ☒ No What keeps you from harming yourself now? "I don't want to die"

Do you have access to firearms? ☐ Yes ☒ No

INJURY TO OTHERS

☒ No concerns Ideation? ☐ Yes ☐ No Describe _____

Plan? ☐ Yes ☐ No Describe _____

Verbal Threats? ☐ Yes ☐ No Describe _____

Physical Aggression? ☐ Yes ☐ No Describe (i.e to property/person) _____

Current command hallucinations (harm to other?) ☐ Yes ☒ No Describe _____

CURRENT MEDICATIONS (including OTC)

Type	Dosage	Frequency	Duration	Physician
Albuterol				Dr
Capoten	hasnt taken	unable to afford:	3wks ago made	Jame
flovent			application for	
			Rx assistance	

Allergies: NKDA

PAST PSYCHIATRIC / SUBSTANCE ABUSE TREATMENT

DATE	ILLNESS (SYMPTOMS)	FACILITY /LOCATION	OUT PATIENT	IN PATIENT	TREATMENT RECEIVED, RESPONSE, COMPLIANCE	TREATING CLINICIAN
	psych admit,				Dr rehab.	
4-5-00	etoh	Kirk. Detox		u		

CHRISTIANA CARE
HEALTH SERVICES

PSYA

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 COOPER, ANTHONY A JR SEX M
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 Department of Psychiatry
 COMPREHENSIVE ASSESSMENT

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PATIENT'S MEDICAL HISTORY

Family Physician Dr. James STF. Date Last Seen 1 mo ago. Next appt. _____

Medical Problems emphysema, HTN., Hep C
Spleen reduction.

PAIN Do you currently have any pain? ☐ Yes ☒ No If Yes, where: _____

Describe on pain scale: NO PAIN 0 1 2 3 4 5 6 7 8 9 10 WORST PAIN

Comments: _____

If greater than 5, document referral. Initial _____

History of Head Injury? ☐ Yes ☒ No ☐ Loss of Consciousness

Describe _____

Last Menstrual Period (date) _____ Pregnant ☐ Yes ☐ No Sexually Active ☐ Yes ☐ No

Practicing Safe Sex ☐ Yes ☐ No Birth Control ☐ Yes ☐ No Method _____

OPTIONAL

Have you ever had a Sexually Transmitted Disease?(STD) ☐ Yes ☐ No Have you ever been HIV tested? ☒ Yes ☐ No

When 1-2 yrs ago Results (-) Sexual Orientation (Optional) _____

HISTORY OF SUBSTANCE ABUSE (Mark all that apply)

DRUG	ROUTE/AVG DAILY USE	AMOUNT/FREQUENCY	LAST USE	URINE MITES
None				
Cigarettes	<u>(+)</u>			
Alcohol	<u>(+)</u>	<u>not q day. Today (+) Vodka</u>		<u>Bal = 4</u>
Opiates/Heroin	<u>Denies</u>			
Benzo/Sedatives				
Cocaine	<u>(+)</u>	<u>recently around people smoking but hasn't directly inhaled himself. 1 yr 6 mo.</u>		
Stimulants				
Marijuana	<u>Denies</u>	<u>P ODS (+) states he hasn't smoked but been around.</u>		<u>(+)</u>
Hallucinogens				
PCP				
Other				

WITHDRAWAL SYMPTOMS

☐ Insomnia ☐ Nausea/Vomiting ☒ Hx ☒ H/O Hallucinations ☐ Goose bumps
☐ Hand Tremor ☐ Sweating ☐ Diarrhea ☐ Runny Nose/Tearing
☐ Pulse > 100 ☐ H/O Withdrawal Seizures - last _____ ☐ Muscle Aches/Cramps (+) present

Complications: ☒ Blackouts ☐ Personality Change ☐ Tolerance ☐ Used more than intended
☐ Unsuccessful attempts to cut down ☐ Continued use despite negative consequences

RECOVERY HISTORY

Attempts to Quit on own _____ Longest Period of Sobriety (when/circumstances) 1 yr 6 mo How in jail _____
 AA/NA Experience: Past ☒ Yes ☐ No Present ☐ Yes ☒ No Date of Last Meeting few mo Sponsor _____

M. 19



Department of Psychiatry
COMPREHENSIVE ASSESSMENT

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SEX M
RACE BL
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FAMILY, MEDICAL, AND PSYCHIATRIC HISTORY

CONSTELLATION

RELATIONSHIP	AGES/AGE OF DEATH	PAST AND/OR CURRENT PSYCHIATRIC/SUBSTANCE ABUSE HISTORY
Mother	↓	last yr - aneurysm.
Father	↓	emphysema. (+) in mental institution "nervous b/cdwn"
Siblings	107	Close - in New England P/A; Ppsych.

Anyone in family ever commit suicide? ⊕

Relevant Extended Family: _____

Describe childhood _____

TRAUMA HISTORY

Verbal	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	When	By Whom	Describe:
Emotional	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	When	By Whom	Describe:
Physical	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	When	By Whom	Reported: <input type="checkbox"/> Yes <input type="checkbox"/> No
Sexual	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	When	By Whom	Reported: <input type="checkbox"/> Yes <input type="checkbox"/> No

SOCIAL / PERSONAL HISTORY

Lives Alone ☒ Yes ☐ No With whom _____ Who is most supportive of you? my brother.

Currently Employed ☐ Yes ☒ No How Long? _____ Employers Name disabled 2nd medical

Employment History COOK

Military Service ⊕ Date of Service ⊕ Type of Discharge ⊕

Education History GED

Hobbies and Interests _____

Currently in a relationship? ☐ Yes ☒ No How Long? 6mo ago Relationship History Bkup of 24 yr
wife involved someone left when returned from jail Common law marriage

Children ☒ Yes ☐ No (How many, age(s), primary caretaker) 2 grown children - "don't come around since she left"

Other pertinent family issues hasn't seen grandchildren

PATIENT ASSETS AND STRENGTHS

- ☒ Capable of insight ☒ Has a place to live ☒ Access to treatment: ☐ Finances
- ☒ Demonstrated motivation to change ☐ Support system in place ☒ Health Insurance
- ☐ Prior responses to treatment ☐ Transportation
- ☐ Other: _____

CHRISTIANA CARE
HEALTH SERVICES

PSYA

1 16 02 AGE 054 DOB 08 11 1948
 COOPER, ANTHONY A JR SEX M
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Department of Psychiatry
COMPREHENSIVE ASSESSMENT

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LEGAL HISTORY

☐ No legal problems ☐ DUI's ☐ Recent Arrest ☐ On Probation ☐ Parole

Offense/time period _____ Probation/Parole Officer _____

Other Legal History: released from lye in jail 6 mo ago - failure to complete drug program

Declared Incompetent ☐ Yes ☒ No Reason: _____

Legal guardian ☐ Yes ☒ No Name: _____

NEUROVEGETATIVE CHANGES

Appetite (Describe) poor x 6mo. Change in Weight ☒ Yes ☐ No Amount 15 lbs x 6mo.

Sleep Pattern poor Recent Change in Sleep yes x 6mo Energy Level (Describe) none

Libido n/a Elimination Problems (Bladder, Bowel) if yes, describe n/a

Other social withdrawal; hopeless, helpless, ↓ concentration, ↓ motivation. Denies SH ideation or intent but admits he's had fleeting thoughts of suicide 2° loneliness - No plan or intent.

MENTAL STATUS ASSESSMENT (Mark Appropriate Items and Elaborate As Necessary)

Appearance ☐ Neat ☐ Well groomed ☐ Disheveled ☐ Dirty ☐ Drowsy ☐ Intoxicated ☒ Casual

Eye Contact ☒ Adequate ☐ Intense ☐ Staring ☐ Avoidant ☐ Poor ☐ Other

Speech ☒ Normal ☐ Soft ☐ Loud ☐ Slowed ☐ Slurred ☐ Pressured ☐ Scant ☐ Repetitive

Interaction ☒ Pleasant ☒ Cooperative ☐ Angry ☐ Guarded ☐ Suspicious ☐ Apathetic ☐ Aloof

Motor Activity ☒ Appropriate ☐ Restless ☐ Hyperactive ☐ Repetitive ☐ Anergic ☐ Ataxic ☐ Pacing ☐ Agitated ☐ Other

Affect ☐ Full range ☐ Flat ☐ Blunted ☐ Labile ☐ Constricted ☐ Inappropriate ☒ Tearful ☐ Other

Mood ☐ Calm ☐ Anxious ☒ Depressed ☐ Manic ☐ Hostile ☐ Sad ☒ Irritable ☐ Other

Thought Process ☒ Coherent ☒ Goal directed ☐ Thought blocking ☐ Flight of ideas ☐ Loose associations ☐ Circumstantial ☐ Tangential

☐ Confabulations ☐ Perseveration

Thought Content ☒ Coherent ☒ Suicidal ☒ Homicidal ☒ Hallucinations: ☒ Auditory ☒ Visual ☐ Olfactory ☐ Tactile ☐ Gustatory ☒ Delusions

☐ Persecutory ☐ Somatic ☐ Jealousy ☐ Grandiose ☐ Thought Insertion ☐ Nihilistic ☐ Religious ☐ Reference ☐ Broadcasting ☐ Withdraw

Preoccupations (Describe) blup of 24 yr common law marriage "I just don't understand"

Obsessions (Describe) Denies

Compulsions (Describe) _____

Sensorium ☒ Alert ☐ Other

Orientation ☒ Oriented: ☒ Person ☒ Place ☒ Time ☐ Disoriented

Attention Span ☐ Grossly intact ☒ Impaired Concentration ☐ Grossly intact ☒ Impaired

Memory: immediate memory ☒ Grossly intact (3 objects remembered in 5 seconds) ☐ Impaired
 short term memory ☒ Grossly intact (3 objects remembered in 5 minutes) ☐ Impaired

Intellectual Functioning ☐ Superior ☐ Above average ☒ Average ☐ Below average

Judgment ☒ Intact ☐ Impaired Comment _____

Insight ☐ Good ☒ Fair ☐ Poor



Department of Psychiatry
COMPREHENSIVE ASSESSMENT

10 16 02 AGE 054 DOB 08 11 94
COOPER, ANTHONY A JR
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DIAGNOSTIC IMPRESSION

Axis I Major Depression, hx polysubstance abuse

Axis II Deter

Axis III Hep C, Emphysema, HTN

Axis IV PSYCHOSOCIAL AND ENVIRONMENTAL PROBLEMS (Mark all that apply)

☒ Problems with significant other/family ☐ Housing problems ☒ Financial problems ☒ Other: risk taking behavior
☒ Health problems ☒ Occupational problems ☐ Legal Issues r/t his recovery.

Axis V Global Assessment of Functioning Current Not done Past Year _____
100 _____ 50 _____ 10 _____ 0
Superior Functioning Serious Symptoms Persistent Danger

SUMMARY, RECOMMENDATIONS, AND FINAL DISPOSITION

Case D/W Dr. Scott. Pt is depressed but adamantly denies
Current S/H ideation or intent. Contracts for his safety.
No hx past attempts. Declined offer of Vol. Inpt psych adm.
Is agreeable to contacting PHTC later today to arrange for
intake interview. Safety Contract signed. Pt will call
PHTC p 09 to arrange appt.

☐ Inpatient ☐ Voluntary (Unit) _____ ☐ Involuntary (Unit) _____
☒ Partial Hospital Treatment Center: Will call later today to arrange Intake Interview.
☐ Outpatient Psychologist: _____
Psychiatrist: _____
Other: _____

NOTE: If patient is referred for inpatient hospitalization then assess for contraband:

Do you have any valuables in your possession? ☐ Yes ☐ No Are you at present under the influence of any medication or illegal drug? ☐ Yes ☐ No
Do you have any medications or drugs in your possession? ☐ Yes ☐ No Are you carrying any weapons or objects you could use to hurt self/others ☐ Yes ☐ No

IF PATIENT ANSWERS YES TO ANY OF THE ABOVE QUESTIONS PLEASE CONFISCATE ITEMS AND GIVE THEM TO INPATIENT STAFF

Mam Russell Ruc

Assessor Signature / Title

Russell

Assessor Print Name

10/16/02

Date

0405

Time

Signature of Supervisor (if applicable)

Date

Supervisor Print Name

First Correctional Medical HRYCI Mental Health Unit

January 15, 2004

To Whom It May Concern:

I am writing in regard to Anthony Cooper, SBI# 275064. Since March 2003, Mr. Cooper has resided on the Transition Unit, which is designed to provide mental health support and treatment to inmates whose psychiatric symptoms hinder their ability to function in the general prison population. In most cases, the goal is to assist these inmates to achieve a level of stability that allows them to return to general population.

While on the unit, Mr. Cooper has been engaged in individual, group, and behavior modification therapy. He is currently participating in a group on depression. He requests and completes therapeutic reading assignments. He regularly attends the unit's weekly community meeting. He is monitored by a staff psychiatrist, and is compliant with medication that has been prescribed to address his mental health symptoms.

Sincerely,

Deborah G. Muscarella, MA

Deborah G. Muscarella, M.A.
Transition Unit Coordinator

Exhibit - A-6

PLEA AGREEMENT

State of Delaware v. ANTHONY A. COOPER, JR.

Case No(s): 0301015775 Cr.A.#s: 1N03-02-0136 through 0142

- ☐ Title 11 HAB. OFFENDER ☐ BOOT CAMP ELIGIBLE ☐ INELIGIBLE
☐ RULE 11(e)(1)(C) — If out of guideline, reason is as follows: _____
☐ Title 11, §4336, sex offender notification required ☐ Title 11, §9019(e), forensic fine ☐ \$100(F), ☐ \$50(M)

Defendant will plead guilty to:

Count	Cr.A.#	Charge [LIO if applicable]
<u>I</u>	<u>1N03-02-0138</u>	<u>ASSAULT - 1st DEGREE</u>
<u>II</u>	<u>1N03-02-0136</u>	<u>POSSESSION OF A DEADLY WEAPON</u> <u>During the Commission of a Felony</u>

Upon the sentencing of the defendant, a nolle prosequi is entered on ☐ the following charges/☒ all remaining charges on this indictment:

Count	Cr.A.#	Charge

Sentence Recommendation/Agreement: ☒ PSI ☐ Immediate Sentencing

State and Defendant agree to the following:

- ☒ Restitution: to VICTIM + VCCR
☐ No _____ contact w/ VICTIM or her family
☒ Other Conditions:

Domestic Violence Counseling
Substance Abuse Evaluation + treatment

DAG: DONALD R. ROBERTS DEF. COUNSEL: John F. Dinger
PRINT NAME PRINT NAME

[Signature] [Signature]
SIGNATURE SIGNATURE

Date: 9/30/2003 DEFENDANT: [Signature]

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE)
)
 v.) Crim. ID. No. 0301018775
)
 ANTHONY A. COOPER, JR.,)
)
 Defendant.)

BEFORE THE HONORABLE SUSAN C. DEL PESCO, J.

APPEARANCES:

DONALD R. ROBERTS, ESQ.
Deputy Attorney General
for the State of Delaware

JOHN S. EDINGER, JR., ESQ.
Attorney for Defendant Anthony Cooper, Jr.

SEPTEMBER 30, 2003
PLEA COLLOQUY PROCEEDINGS

THOMAS E. MAURER, RPR
SUPERIOR COURT OFFICIAL REPORTER
NEW CASTLE COUNTY COURTHOUSE
500 N. KING STREET, SUITE 2609
WILMINGTON, DELAWARE 19801-3725
(302) 255-0566

1 And I've been asking him to subpoena people,
2 and things of that nature. And he just doesn't seem
3 to be -- I don't know what it is -- he's just like,
4 you're going to get 20 years to life, and that's it,
5 there's nothing that can be done. And I don't
6 understand that. So I'm asking that the Court -- I
7 have asked Mr. Edinger to withdraw from the case.
8 And, I guess, he still refuses. And I don't
9 understand why. There's no -- I mean, I don't have
10 any confidence in him.

11 * THE COURT: You have a long criminal
12 history. You have been in courtrooms before,
13 correct?

14 MR. COOPER: The last time I was in a
15 courtroom for something of this nature, your Honor,
16 was over 30 years ago.

17 THE COURT: Over three years ago?

18 MR. COOPER: Over 30 years ago.

19 THE COURT: Over 30 years ago. All right.
20 And what happened at that time? I don't have your
21 record in front of me.

22 MR. COOPER: I got a charge, I was sentenced
23 to two to five sentence for assault first degree, and

1 September 30, 2003
2 Courtroom No. 4E
3 10:15 a.m.

4 PRESENT:

5 As noted.

6 THE COURT: Good morning. This is the trial
7 in the case of the State of Delaware vs. Anthony A.
8 Cooper, Jr. We are about to select a jury. It has
9 been brought to my attention by Mr. Edinger that
10 Mr. Cooper wants to address the Court with regard to
11 representation. And I am happy to listen to what you
12 have to say. Mr. Cooper.

13 MR. ANTHONY COOPER: Good morning,
14 your Honor.

15 THE COURT: Good morning.

16 MR. COOPER: I have spoken with attorney
17 Edinger on several occasions, and made a request in
18 reference to my case. And he doesn't seem to be
19 acting in my best interest in terms of trying to put
20 together some sort of a defense for me. I'm of the
21 opinion that if you can be accused of something,
22 there must be some sort of defense that can be used,
23 even if it's not effective.

1 two to four sentence that ran concurrent for
2 attempted assault.

3 THE COURT: And, so, you spent some time in
4 jail?

5 MR. COOPER: I spent 18 months.

6 THE COURT: 18 months. And when did you get
7 out of jail?

8 MR. COOPER: 1976.

9 THE COURT: And between 1976 and now, you're
10 telling me you haven't had any criminal activity?

11 MR. COOPER: No. There's just been
12 misdemeanors, been a lot of driving misdemeanors, but
13 nothing of a criminal nature.

14 THE COURT: Well, have you been in jail
15 since 1976?

16 MR. COOPER: I was in for aggravated
17 menacing, which I'm on probation for now. I was sent
18 to a drug program. I can't do a drug program because
19 of my health, so what the judge did was he sentenced
20 me to a six month Level V, and put me on, released me
21 on Level III probation.

22 THE COURT: When were you released from
23 Level V?

Exhibit B-1

P924

5

1 MR. COOPER: 2002.
2 THE COURT: Okay. So you were six months at
3 Level V and got out in 2002?
4 MR. COOPER: Yes.
5 THE COURT: And then you got arrested in
6 January of 2003 on these charges, right?
7 MR. COOPER: Yes, ma'am.
8 THE COURT: Okay. So you were out for,
9 what, six months, or so?
10 MR. COOPER: I was out ten months.
11 THE COURT: Ten months. Okay.
12 MR. COOPER: Yes.
13 THE COURT: The choices for you at this
14 point are not even your choice, because it is not
15 your choice to whether or not you can represent
16 yourself, it's me reviewing the facts and determining
17 whether or not you're capable of representing
18 yourself. But just let me tell you what the two
19 considerations are.
20 One is that you represent yourself. Or the
21 other is that Mr. Edinger represents you. And the
22 third possibility is that you represent yourself with
23 him available to consult with you. There is no

6

1 fourth option of some other attorney being appointed
2 at this stage of the proceedings. It is just not
3 possible. It is not appropriate to be raising this
4 issue on the -- it's on the morning of trial, because
5 I understand a letter was written last Friday -- but
6 it is essentially the morning of trial, as far as I'm
7 concerned, because I was unaware of it until now.
8 And there are, there are lots of important rules that
9 have to be followed in order to effectively get a
10 case through the trial process.
11 Are you suggesting that you want to
12 represent yourself?
13 MR. COOPER: Your Honor, I'm not capable of
14 representing myself. I've been asking this attorney
15 for a lot of months, about three or four months. I
16 mean, it's not my fault that he waits until the last
17 minute to decide that he is or is not going to
18 withdraw from the case. I've done everything I
19 could. I've written him letters. And, your Honor, I
20 mean, I can't be responsible for him not withdrawing
21 and waiting until this last date. I mean, I've been
22 trying for the longest time, so it should have been
23 resolved.

7

1 THE COURT: Well, the point is that whether
2 this had been raised last week or six months ago, if
3 your request is a different attorney just because
4 you're not satisfied with his response to the charges
5 against you, that's not a sufficient basis for having
6 him removed. I'm sure you can see that if every
7 attorney were -- excuse me -- if every individual
8 charged with a crime were given the right to choose
9 their counsel, it would be chaos. And we don't have
10 such a system.
11 You're assigned representation. And you
12 haven't -- you've told me that he hasn't subpoenaed
13 people that you want to have subpoenaed. He has to
14 exercise his judgment as to whether or not there's
15 any logic to what it is you requested him to do.
16 Now, I'm not going to ask you to explain to me
17 because I don't want you to reveal anything about
18 your case, you're not under any obligation to do
19 that, and you've got the protection of the Fifth
20 Amendment.
21 But at this point you told me you've spoken
22 with him, you told me he hasn't subpoenaed some
23 people that you would like for him to have

8

1 subpoenaed. I'm not going to press him as to whether
2 or not he's planning a defense, but a lot of the
3 decisions about the defense come from hearing what
4 the evidence is. But just so I understand, you are
5 saying that what you want is different counsel, not
6 to represent yourself, correct?
7 MR. COOPER: Yes, your Honor.
8 THE COURT: All right. I cannot, and will
9 not, accommodate that request. I suggest that you
10 work with him. If he is inadequate in his
11 representation of you, that's a discussion that comes
12 up after the trial once the quality of his
13 representation can be ascertained. But I cannot say
14 in advance, nor can you, really, that what he intends
15 to do on your behalf is not going to be adequate.
16 MR. COOPER: But he doesn't intend to do
17 anything, from what he's telling me. Because there's
18 nothing that he's going to do, nothing at all. I
19 don't understand that --
20 THE COURT: Well, the State has the burden
21 of proof in a trial, so what a defense attorney does,
22 mostly, is to cross-examine the State's evidence.
23 Many cases are simply the defense attorney

1 challenging the reliability and the quality of the
2 State's evidence.

3 MR. COOPER: Your Honor, I've asked this
4 attorney where are you getting -- because the State,
5 they claim they're going to try me under habitual
6 offender, okay. And I'm asking this attorney, well,
7 for what reasons? And he's telling me it's something
8 about a felony that didn't occur --

9 THE COURT: Well, I can't help you with
10 that -- let me help you with that. This trial will
11 not consider whether or not you're an habitual
12 offender. This trial will consider nothing but the
13 charges in the indictment. The question of whether
14 you are a habitual offender is something that will be
15 discussed later. That has to do with the sentence
16 that would be imposed if you were convicted. So you
17 don't have to worry about the habitual offender
18 charges and whether or not there was a conviction.
19 You don't have to worry about that, you'll have a
20 chance to talk about that at another time. That
21 doesn't impact what's going to be done here today in
22 terms of trying these charges. That's a separate
23 matter.

1 If you are, in fact, an habitual offender,
2 that would put you in a worse position at the time of
3 sentencing, but that's not what we're here about. We
4 are here about whether or not the State can prove
5 beyond a reasonable doubt the charges in this
6 indictment without regard to other convictions or
7 lack of other convictions. Okay?

8 MR. COOPER: Okay.

9 THE COURT: So that's a different thing.

10 Does that help?

11 MR. COOPER: It doesn't, it doesn't change
12 the fact that I don't want this man to defend me,
13 because I don't believe that he will defend me. But
14 there's nothing I can do about it, according to you,
15 your Honor, so I'll just have to do whatever your
16 decision is.

17 THE COURT: Okay. Well, I'm going to
18 require that you permit him to represent you. And I
19 urge you to give him your very best cooperation.

20 What's going to happen shortly is that
21 people will come into the room and we'll begin the
22 process of jury selection. I have met with the
23 attorneys for purposes of getting the names of the

1 witnesses, and the dates, and all the kinds of things
2 I need in order to do jury selection process. We'll
3 go through that process, we'll get a jury, and then
4 the State will begin its presentation of evidence.

5 In the meantime, you can speak with
6 Mr. Edinger, as the witnesses testify, and provide
7 him with information to assist him in cross-examining
8 the witnesses effectively. And if, in fact, there is
9 someone you believe can be called in who would assist
10 you in your defense or create a question as to the
11 credibility of any of the State's witnesses, then you
12 need to tell Mr. Edinger who they are and how he can
13 find them. And you need to make him -- you explain
14 to him, well, why they, what they can contribute.

15 MR. COOPER: Did you say to determine their
16 credibility, your Honor?

17 THE COURT: Well, the State's going to offer
18 witnesses. And it may be that you don't think
19 they're telling the truth. And you tell Mr. Edinger,
20 ask him this, or ask him that, or maybe some other
21 witness that you know of can help to challenge their
22 credibility. But those are things you have -- he
23 can't know if you don't tell him. He has to depend

1 on you to provide information. So you talk to him
2 during the course of the trial, and if there's
3 anything that you reveal to him that he thinks will
4 be of assistance to you, I'm sure he'll follow-up on
5 it. If he doesn't, then we have a procedure after
6 the trial called ineffective assistance of counsel.
7 But I can't assume here in the beginning that his
8 assistance will be ineffective because you're not
9 comfortable with him. Okay?

10 MR. COOPER: Yes.

11 THE COURT: All right. We're going to ask
12 for a jury panel to be brought up. That will take a
13 few minutes, right?

14 THE BAILIFF: Yes, ma'am.

15 THE COURT: So we'll probably start in maybe
16 ten minutes.

17 Now, counsel, is there anything else before
18 we begin?

19 MR. EDINGER: Your Honor, I just was
20 speaking with Mr. Roberts during the Court's colloquy
21 with the defendant. There have been some changes in
22 the plea offer, and I'm going to speak to Mr. Cooper
23 about that, see if that causes a change in how we

13

1 proceed.

2 MR. ROBERTS: And the reason why is when
3 Mr. Cooper explained that he is not habitual, I'm
4 looking at the history of his NCIC file from up north
5 some place -- Massachusetts. And it is confusing,
6 but it appears -- and I don't have any reason to
7 dispute what he said -- that he may be correct, it
8 may not be an attempted murder conviction up there,
9 it might have been reduced to an assault. But it's
10 hard to read the records. But I tracked the number,
11 and the attempted murder, in fact, shows up on the
12 assault first. So that puts us in a different
13 posture where he's not an habitual, so I extended to
14 Mr. Edinger a revised plea offer in light of that
15 information.

16 THE COURT: Well, then, that's very helpful
17 that, Mr. Cooper, our conversation has had a benefit
18 that neither one of us intended or anticipated, and
19 that is that the State has had an opportunity to
20 review the very thing that was of concern to you, and
21 that was whether or not you were an habitual offender
22 or eligible for that status.

23 Now Mr. Edinger has got a different proposal

14

1 for you, you'll consider it, you'll say yes, you'll
2 say no. And then we'll proceed. Okay?

3 MR. COOPER: All right.

4 THE COURT: Okay. I think I'll stand back
5 here for a bit.

6 (Mr. Edinger confers with Mr. Cooper in
7 lockup, 10:29 to 11:13 a.m.)

8 MR. ROBERTS: Your Honor, the plea has been
9 executed.

10 The defendant Anthony Cooper is going to
11 enter a plea to Count I, Assault in the First Degree,
12 and Count II, Possession of a Deadly Weapon During
13 the Commission of a Felony. And because he's
14 pleading to indicted charges, we don't need to
15 demonstrate any exceptional circumstances, but I will
16 note that's a more harsh plea offer than what was
17 extended at case review.

18 We are recommending a presentence
19 investigation, restitution to the victim and the
20 Victims Compensation Board, no contact with the
21 victim or her family, complete a domestic violence
22 counseling program, as well as a substance abuse
23 evaluation, and follow any treatment plan.

15

1 THE COURT: Good morning.

2 MR. EDINGER: Good morning, your Honor.

3 This is Mr. Cooper. And that is the sum and
4 substance of the plea agreement. Mr. Cooper's
5 entering this plea with the understanding that the
6 State is not seeking to sentence him as an habitual
7 offender at sentencing. And he understands that by
8 taking this plea, the Court could sentence him up to
9 30 years in jail if the Court thought that sentence
10 being fit. And he also understands that the Court
11 must sentence him to a minimum jail sentence of two
12 years. He understands the charges, he understands
13 the penalties, he understands the trial rights he
14 waives when he enters this plea. And I believe he's
15 doing so knowingly, intelligently, and voluntarily.

16 (Questioning of Mr. Cooper by The Court:)

17 BY THE COURT:

18 Q. Okay. Mr. Cooper, how old are you?

19 A. Hello.

20 Q. How are you?

21 A. I'm still here, your Honor.

22 Q. You're still here. All right.

23 I have in front of me two pieces of paper, a

16

1 guilty plea form and the plea agreement. Have you
2 reviewed these with your attorney?

3 A. Yes.

4 Q. Have you read them?

5 A. No -- yes -- no -- yes. And he read them to
6 me.

7 Q. He read them to you?

8 A. So that's sufficient, yes.

9 Q. And you do know what they say?

10 A. Yes.

11 Q. All right. And have you signed each of
12 them?

13 A. Yes.

14 Q. Okay. Let's touch on some of the high
15 points here.

16 The indictment was a seven-count indictment
17 charging you with assault first, possession of a
18 deadly weapon during the commission of a felony,
19 terroristic threatening, aggravated menacing,
20 possession of a deadly weapon during the commission
21 of a felony, again, which is significant because
22 there's mandatory time with that charge, terroristic
23 threatening, noncompliance with bond conditions.

17

1 So there were seven charges, four of them
2 were felonies. And the State has offered to let you
3 plead to two counts, Counts I and II, both felonies,
4 and dismiss the other charges against you as part of
5 this plea agreement.

6 As you know, the -- or as it's indicated
7 here -- and I hope you understand -- the sentencing
8 would not be today, sentencing would be at a later
9 date after there's been a presentence investigation.

10 But there is an agreement that you will not be
11 considered a habitual offender, that certainly your
12 criminal record will be taken into consideration, but
13 you will not be subject to what is in some places is
14 called a third strike kind of law or a law where
15 there's a heightened sentencing requirement due to
16 the fact of your prior convictions. Okay?

17 A. I understand.

18 Q. The agreement also says that you will make
19 restitution to the victim and to the Violent Crimes
20 Compensation Board if they have, in fact, made
21 payments as a result of these crimes, and that you
22 will have no contact with Sylvia Jones or Dwight
23 Bunting.

18

1 The recommendation of sentencing, of course,
2 will come from the presentence investigator, and it
3 will be considered by the Court. The Court will make
4 the final determination of what sentencing is
5 appropriate, but it will not be less than two years
6 because there's a minimum mandatory sentence. The
7 total possible sentence, of legal sentence could be
8 up to 30 years, but the guidelines are for
9 substantially less than that -- on the assault, up to
10 three years at Level V, and on the weapons charge --

11 MR. EDINGER: Actually, it's up to 30
12 months. And that's my bad handwriting, your Honor.

13 THE COURT: I'm sorry.

14 BY THE COURT:

15 Q. All right. 30 months.

16 And on the weapons charge, up to five years
17 at Level V is the guideline. Again, depending on
18 your history -- and I'm not clear about your
19 history -- and I may not even be the judge sentencing
20 you -- you could legally be sentenced up to 30 years.

21 You have previously been convicted of a
22 felony; is that correct?

23 A. Yes.

19

1 Q. So you understand that there are
2 consequences that flow from that status as a
3 convicted felon.

4 All right. Let's get down to business here.
5 I'm going to ask you, with regard to Counts I and II
6 of the indictment, whether you committed the crimes
7 that are charged. Did you, on or about January 29,
8 2003, in the County of New Castle, State of Delaware,
9 intentionally cause serious physical injury to Sylvia
10 Jones by means of a deadly weapon, by stabbing her
11 with a knife?

12 A. Yes.

13 Q. And did you, on or about the 29th day of
14 January, 2003, in the County of New Castle, State of
15 Delaware, knowingly possess deadly weapons during the
16 commission of a felony by possessing two knives, a
17 deadly weapon during the commission of assault in the
18 first degree, as set forth in Count I of the
19 indictment?

20 A. Yes.

21 Q. Okay. Do you understand that those are the
22 two charges to which you are entering a plea of
23 guilty at this time?

20

1 A. Yes.

2 Q. Do you have any questions of me or of your
3 attorney with regard to this plea?

4 A. No.

5 Q. Are you satisfied that your attorney has
6 fully advised you of your rights and of the
7 consequences of the guilty plea?

8 A. Yes.

9 Q. Okay. Are you satisfied that I should
10 accept this plea as having been knowingly,
11 intelligently and voluntarily entered?

12 A. Yes.

13 THE COURT: All right. I do accept it as
14 such. You will be scheduled -- I don't have the date
15 for you -- do you?

16 THE CLERK: Yes, your Honor. We have a date
17 of November 21st at 9:30 a.m.

18 THE COURT: Okay. November 21st you'll be
19 sentenced on these charges. Thank you, Mr. Cooper.

20 MR. EDINGER: Thank you, your Honor.

21 MR. ROBERTS: Thank you, your Honor.

22 (Plea colloquy concluded at 11:20 a.m.)
23

21

REPORTER CERTIFICATE PAGE

STATE OF DELAWARE:
NEW CASTLE COUNTY:

I, Thomas E. Maurer, RPR, Official Court Reporter of the Superior Court, State of Delaware, do hereby certify that the foregoing is an accurate transcript of the proceedings had, as reported by me in the Superior Court of the State of Delaware, in and for New Castle County, in the case therein stated, as the same remains of record in the Office of the Prothonotary at Wilmington, Delaware, and that I am neither counsel nor kin to any party or participant in said action, nor interested in the outcome thereof.

WITNESS my hand this 14th day of January,
2004.

Thomas E. Maurer, RPR
Official Court Reporter
Delaware Cert. No. 155-PS

IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE, :

v

ANTHONY A. COOPER

Defendant

ID No. 0301013775

November 21, 2003

BEFORE: HON. JOHN E. BABIARZ, JR., J.

APPEARANCES:

DONALD ROBERTS, ESQ.

On behalf of the State

JOHN S. EDINGER, JR., ESQ.

On behalf of the Defendant

Sentencing

SUPERIOR COURT REPORTERS
500 King Street, 2nd Floor, Suite 2609
Wilmington, Delaware 19801-3725
(302) 255-0560

3
1 By his attempt on my life, I have very
2 little to no feeling in my left-hand. I have stab
3 wounds that will bother me the rest of my life, where
4 I can no longer work the rest of my life as a
5 phlebotomist, a nurse in my job.

6 I'm asking you to give him maximum time for
7 what he has done to my life and my family's life.

8 THE COURT: Thank you, I do appreciate you
9 coming in front of me.

10 MR. EDINGER: Good morning, Your Honor.
11 This is Mr. Cooper. The presentence report listed
12 his health as poor, but did not seem to go into all
13 the matters that are currently affecting Mr. Cooper
14 right now.

15 He is diagnosed with emphysema and he is
16 actually on disability because of that. I think this
17 last year he went to Philadelphia and went through an
18 experimental process of lung reduction, and both his
19 lungs have been reduced to half their capacity.

20 Now, this treatment is not to cure the
21 emphysema, but the purpose of it was to at least
22 enhance his ability to live however many years he has
23 left as a result of the emphysema.

2

Courtroom 4A

November 21, 2003

Present:

As noted.

MR. ROBERTS: Good morning, Your Honor.

THE COURT: Good morning, Mr. Roberts.

MR. ROBERTS: The State moves the
sentencing of Anthony Cooper. He's in custody.
We'll wait a minute while the transfer takes place.
And I should advise the Court that the victim was
present, Sylvia Jones, and she wishes to address Your
Honor.

THE COURT: Certainly.

MR. ROBERTS: Your Honor, this is Sylvia
Jones.

MS. JONES: Good morning, Your Honor.

THE COURT: Good morning.

MS. JONES: I'm the victim in this case.

And all I want to do is ask you to give Anthony
Cooper the maximum because on the day of my dad's
memorial service, he came into my house, gave his
condolences, and waited 72 hours later to attack me
as I was leaving my dad's memorial service.

4

The diagnosis probably is not good for
Mr. Cooper. He'll probably not have very many years
left to live due to his illness. His understanding
from the doctors is that we're talking less than five
years of how much time he has to live due to his
emphysema.

When he took this plea, he recognized that
what he had done was unforgivable. And I don't think
he comes to the Court today to try and justify what
happened, but however I would submit the picture
painted in the presentence report as to the facts of
the case painted an uglier picture -- and I'm not
trying to say it's any less ugly even than what he
did, but the circumstances that surrounded this
incident weren't brought entirely forward in the
presentence report.

At the time, Mr. Cooper was intoxicated, he
has a drug problem, an alcohol problem, and probably
some mental health issues as well. And at this
point, he and the victim who had been married for 24
years and have two children and grandchildren had
this relationship that had been on and off, obviously
violence being involved, in that the victim had

Exhibit - B-2

pg -30

5

1 sought and obtained a no contact order, which
2 Mr. Cooper was in violation of at the time, but a
3 relationship she had shared by using drugs and
4 alcohol together.

5 And at the time Mr. Cooper was seeking
6 money to buy drugs from the victim, and that's why he
7 went to see her initially, not to assault her, not to
8 attack her.

9 Apparently the victim's brother told him to
10 get lost, get the hell out of here when he did show
11 up. And the fight between -- that initially started
12 between him and the victim's brother, and Mr. Cooper
13 produced the knives, the victim in this case,
14 Ms. Jones, interceded and Mr. Cooper stabbed her.

15 I don't think his intent was to kill her,
16 to harm her, but in his drug-induced frenzy of
17 activity, he stabbed her.

18 Now, she, according to the records, has
19 suffered stab wounds to the chest and the hand, and
20 has long term disabilities as a result of that. I
21 don't think that the records reflect that the stab
22 wounds were life threatening. Now, we can argue
23 that.

6

1 I do know that the records reflect that she
2 was not treated for the stab wounds until she could
3 have been detoxed. Apparently she was intoxicated at
4 the time that the stabbing occurred, and they
5 couldn't do the surgery or the treatment for the stab
6 wounds until she had been sufficiently detoxed.

7 None of this mitigates Mr. Cooper's
8 actions, and he has to be punished for that. The
9 only reason I even bring this up is because I think
10 the presentence report is a little sparse on the
11 details of what actually occurred. And I think the
12 Court, in evaluating what happened, needs to have a
13 fuller understanding of what all the surrounding
14 circumstances were.

15 Mr. Bunting, who is the victim's brother
16 and another bystander, pulled Mr. Cooper off the
17 victim, and I think used a cinder block to hit him in
18 the head. And Mr. Cooper was, at least when the
19 police arrived, probably not for half an hour.
20 Mr. Cooper was still unconscious.

21 And the photographs of his intake when he
22 was arrested document the injuries that he suffered,
23 severe bruising -- and I'm not exactly sure what

7

1 medical treatment he received, but at least when he
2 was intaked, the photograph is pretty evident that he
3 was beaten pretty severely.

4 The seriousness of this crime, certainly
5 what he did -- and this could have been a very
6 different case, this could have been a murder case,
7 had not for Mr. Cooper not -- and maybe by fortune I
8 don't think Mr. Cooper went there with the intent to
9 murder Sylvia Jones, but she could easily have died
10 by his actions of producing these knives.

11 So it's a very serious case to begin with.

12 Mr. Cooper, whatever the sentence the Court
13 probably imposes, and it has to impose at least a
14 two-year sentence, might not even live out that two
15 years. We're asking the Court to take into
16 consideration his ill health and the fact that he
17 probably won't even survive the two-year minimum
18 mandatory sentence that the Court has to impose.

19 My understanding is the State's going to be
20 asking for a significant amount of jail time on these
21 charges. And when the Court does fashion the
22 sentence, I ask the Court to take into consideration
23 the points I've just raised. And I think Mr. Cooper

8

1 does want to address the court.

2 THE COURT: Mr. Roberts.

3 MR. ROBERTS: First off, by way of
4 correction, the victim and the defendant are not
5 married. They never --

6 THE COURT: But my understanding is they
7 did live together for 24 years.

8 MR. ROBERTS: They did live together, yes,
9 but they were not married.

10 THE COURT: I know that.

11 MR. ROBERTS: I agree with Mr. Edinger that
12 the evidence is a little sparse, and the evidence
13 that the State would present at trial would be that
14 Mr. Cooper was stalking this victim for some time.
15 There were pending charges in various courts for him
16 harassing her. There was a no contact order, as the
17 Court is aware, at the time of this incident.

18 At 3:00 in the morning, when the victim and
19 her brother were getting in the car, he jumped out of
20 the bushes screaming that he was going to kill her.
21 She was seated in the passenger seat with the door
22 open and he began to repeatedly stab her.

23 The victim spent several days in the

9

1 hospital and underwent, I believe, two surgeries so
2 far --

3 MS. JONES: Chest and hand surgery.

4 MR. ROBERTS: -- to repair the damage to
5 her hand, because she was cut almost all the way back
6 to the elbow -- or the wrist from one of the stabs.

7 It very easily could have been a murder
8 case had not Mr. Bunting, her brother, intervened.
9 He exited the driver's side of the car, came around.
10 At that point the defendant threatened him with the
11 knives. A scuffle ensued, and indeed Mr. Bunting and
12 another passerby knocked the defendant unconscious
13 with the aid of a cinder block.

14 His medical treatment, I can tell you, was
15 that he was looked at by the doctors and released,
16 and immediately turned over to the police, which is a
17 different scenario than that that Ms. Jones went
18 through.

19 The defendant also has in his background,
20 and the State wasn't aware necessarily or we probably
21 would have been filing a habitual petition about the
22 disposition of the offenses in New Haven,
23 Connecticut, where the '76 attempt of assault second,

11

1 conscious today of the fact that I had not -- had I
2 not taken the knives from my kitchen, no one would
3 have been injured.

4 Your Honor, I have been cut, shot and
5 knocked to the sidewalk in the area that I live in.
6 Although the Court will not be in agreement, sir, I
7 had the kitchen knives on me for defensive purposes
8 only.

9 I am sincerely remorseful about causing the
10 plaintiff's injury, and I pray that one day she
11 will -- one day will come when the plaintiff will get
12 the courage to be forgiving.

13 Today I stand before this Court in shame,
14 shame because the incident should not have happened.
15 Shame because I've publicly acknowledged that I am
16 not perfect and have submitted to an emotional out of
17 control state, and shame because of my unwarranted
18 behavior that's placed me in the position of begging
19 the Court's mercy.

20 Your Honor, I am sincerely expressing to
21 the Court my feelings of being abandoned, my sense of
22 uselessness, of loss, fear and hopelessness prior to
23 the tragedy of 1/29/03. However, I have concluded

10

1 a lesser included, and the '72 attempted murder,
2 which pled down to an assault second. He also has an
3 aggravated menacing here in Delaware in 2000.

4 The State's recommendation is that
5 Mr. Cooper be sentenced to 25 years, suspended after
6 15 years for various levels of probation; that he be
7 required to undergo domestic violence counseling,
8 substance abuse treatment and have no contact with
9 Ms. Jones.

10 THE COURT: Mr. Cooper, is there anything
11 you want to say?

12 THE DEFENDANT: Yes, Your Honor. I -- if
13 it's okay, I've written it down so that I could
14 remember.

15 THE COURT: I have read the letter that you
16 sent to the presentence office. I've read the letter
17 that you sent.

18 THE DEFENDANT: Thank you very much, Your
19 Honor. This will be very brief.

20 First, sir, I would like the Court to know
21 that I accept the full responsibility for my behavior
22 on 1/29/03. It was not my conscious intent, and
23 therefore should not have happened. I am completely

12

1 that these facts would contribute nothing to my case
2 and would instead reopen hidden wounds.

3 Also, I am certain the plaintiff has
4 experienced more than enough grief because of my
5 actions. On first observation it may appear that I
6 have wasted a very precious 24 years, which is half
7 my life, being and loving and -- but there it is, a
8 voided venture with the plaintiff, not entirely true.
9 Like all the ventures in my life, I have been taught
10 a very useful life lesson, one of which is, if I
11 cannot walk as I talk, then I should keep my mouth
12 shut.

13 Know this, Your Honor, from day one with my
14 union with the plaintiff, I've always encouraged her
15 to be the best she could be, as well as be all that
16 she could be.

17 Your Honor, I was supportive of my
18 encouragement to her by studying 1, 2, 3s and A, 8,
19 Cs with her until she obtained her GED. If I could
20 have a second. The same with the cosmetology and
21 nurse's degree. I also encouraged her to be
22 independent. Yet the day she informed me that she
23 wanted to be independent of me, I fell totally apart.

13

1 Your Honor, should you be curious as to why
2 I'm not -- I didn't -- I have not made any
3 disparaging remarks regarding plaintiff, it's because
4 I've been reacquainted with terms of self respect. I
5 think I would do the respectful thing by not
6 insulting 24 years of my life, the Court and
7 plaintiff by dredging in that relationship looking
8 for instances that might save my neck.

9 One last item, there are several items, in
10 the Court docket, docket from Connecticut as well as
11 from Delaware that if the Court desires, I will
12 explain what the errors are.

13 Thank you very much, Your Honor.

14 MR. EDINGER: I'd like to give the Court a
15 letter, just from Mr. Cooper's landlord, saying the
16 quality of person he is.

17 THE COURT: Mr. Cooper, you've committed a
18 serious crime that simply demands a serious penalty.

19 It's the sentence of the Court that you pay
20 the cost of prosecution and be imprisoned for a
21 period of ten years beginning January 29th of this
22 year.

23 That sentence is suspended after you've

15

STATE OF DELAWARE:

SS:

NEW CASTLE COUNTY:

I, Kenneth T. Brill, Official Court Reporter
of the Superior Court, State of Delaware, do hereby
certify that the foregoing is an accurate transcript
of the testimony adduced and proceedings had, as
reported by me in the Superior Court of the State of
Delaware, in and for New Castle County, in the case
therein stated, as the same remains of record in the
Office of the Prothonotary at Wilmington, Delaware,
and that I am neither of counsel nor kin to any party
or participant in said action nor interested in the
outcome thereof.

2004. WITNESS my hand this 9th day of February,

Kenneth T. Brill
Official Court Reporter
DCSR Cert #153-PS

14

1 served four years for two years of probation at
2 supervision Level III. That's on the assault first
3 degree.

4 On the charge of possession of a deadly
5 weapon during the commission of a felony, it's the
6 sentence of the Court that you be incarcerated for a
7 period of four years consecutive to the previous
8 sentence.

9 It's a condition of your sentence that you
10 have no contact with Sylvia Jones or Dwight Bunting,
11 and that you make restitution to the Violent Crimes
12 Compensation Board in the amount of \$12,650.57.

13 You're now remanded to the custody of the
14 Department of Corrections.

15 MR. ROBERTS: Thank you, Your Honor.

16 - - - - -

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22

23



PUBLIC DEFENDER OF THE STATE OF DELAWARE
ELBERT N. CARVEL STATE OFFICE BUILDING
820 NORTH FRENCH STREET, THIRD FLOOR
P.O. BOX 8911
WILMINGTON, DELAWARE 19801

LAWRENCE M. SULLIVAN
PUBLIC DEFENDER

JOHN S. EDINGER
ASSISTANT PUBLIC DEFENDER

ANGELO FALASCA
CHIEF DEPUTY

TELEPHONE
(302) 577-5137

February 11, 2003

Mr. Anthony A. Cooper
SBI# 00275064
M.P.C.J.F.
P.O. Box 9561
Wilmington, DE 19809

RE: State of Delaware v. Anthony A. Cooper
I.D.# 0301018775

Dear Mr. Cooper:

I have been assigned to represent you in connection with the charges filed against you in Superior Court. Your case identification number is listed above.

Typically, the first step in your case is the Arraignment. At the Arraignment, you will formally enter the court system and plead not guilty to the charges. You will be scheduled for a First Case Review several weeks after the date of the Arraignment.

By the date of the First Case Review, I will have received the discovery materials the State is required to produce according to Rule 16. I will have reviewed the Affidavit of Probable Cause and whatever other materials the State has produced in complying with Rule 16. If I have not already done so by the date of the First Case Review, I will meet with you and discuss your case at the courthouse. I will then speak with the prosecuting attorney handling your case. I will attempt to negotiate a plea bargain on your behalf. I will communicate to you the best offer I can get from the lawyer from the State. You will have complete authority to accept or reject the plea bargain offered. If you accept the offer, typically you will be required to enter a plea to some charge. You can either be sentenced right away or at some later

Exhibit - ~~ENCLOSURE~~ B-3

pg. 34

time following the preparation of a presentence investigation report.

If you do not enter a plea bargain at the First Case Review, your case will be scheduled for a final case review about six (6) weeks after the First Case Review. At the final Case Review, we will again try to resolve your case by a plea bargain. Again, you will have complete authority to accept or reject the plea bargain offered. If you accept the plea bargain, you will be sentenced right away or at a later time after a presentence investigation report is prepared.

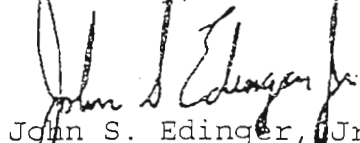
If you reject the plea offer made at Final Case Review, your case will be scheduled for Trial. At present, most cases are being scheduled for Trial about four to six months after the Final Case Review. Unless there are extraordinary circumstances, no more plea bargains will be offered to you. You will be required to go to Trial on all the charges or plead guilty to all charges. The Court does not permit any more plea bargaining after the date of the Final Case Review.

I hope this gives you a general idea of how your case will proceed through the court system. Your individual case may differ in some respects depending on the facts of the case. For instance, we may file legal motions on your behalf which would change the typical schedule.

I will try to schedule an interview with you before the First Case Review. The interview will be either be at Gander Hill Prison or by video. If I cannot schedule an interview before the First Case Review, I will meet with you at the Courthouse and discuss your case in detail with you.

I look forward to meeting with you.

Sincerely,



John S. Edinger, Jr., Esquire
Assistant Public Defender

JSE:mls

Copy Disdain over
treatmentLetter to the
Attorney 6-26-03

Dear Mr. Edinger:

I pray all is well with you. I am alright. please forgive my handwriting. This letter has been prompted as the results of our 6-26-03 interview. permit me to first write what my letter is not. It is not an attempt to Malign or slander you either in the public or private arena. It is not to Challenge whether or not you are Competent. It is not intended to Convey any desire that I may or want to defend myself. You said that I had to make a choice Concerning my Case. Which leaves me just a ^{bit} Curious as to why I need Counsel. Sir, on 6-26-03, your behavior toward me was such that for a moment I did not know if you were my Counsel or the prosecutor. Surely you did not truly expect that I knew what you looked like in the flesh. In five months I've seen you only once on a fuzzy video. Your Comment regarding attorney Dawn Mello, to say the least was most discouraging as far as the p.s.d. is concerned. Speaking of pretrial, you sir, may have only meant to ^{be} informative, But your statement of "20-40 yrs no big deal" deflated most of what little hope that I was holding on to. However sir, I have thanked God for your testy behavior. Your actions has been the impetus for a very interesting reawakening in my spirit. Thank you.

Exhibit - C-1

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2. Since the plaintiff rejection of me after 24 yrs for the kid drug dealer, my emotions have receded to someplace inside of my head, not to be found, or so it was. The psycho-active drugs that I am taking, apparently are working. My thinking is much clearer. For example, your flip pant remark about the state ~~possibly~~ possibly trying me under the Habitual offender act, now comes to me not drenched in fear of remaining in prison until death, but rather as a fact, that I can say or do ^{NOTHING} to change the intent of the prosecutor. God did not give me a spirit of fear. He gave me a spirit of Discernment, which today allows me to know not to fear the consequences of truth, but rather sir to, be responsible to, my reality. Now sir, please inform the prosecutor that I will be going to trial. My plea will be → guilty but mentally ill. We can start to select the jury after or before the following people are called to substantiate my claim of mental illness. I went to the law library after our, what ever is was on-6 26-03. There I discovered the law. I also discovered this, though I will be given a psychological by the state, test that is, I still will have to demonstrate that my condition existed prior to the offense. I hope you sir, have allowed my preparation time not to elapse. You told me my trial will be in Sept 03.

3. In addition to securing my mental health condition by having these folks in Court, I ask that you secure my medical condition records. please let them know (the following persons) to have in their possession any records of any kind that they retain as a file about me. Be also advised that a copy of this letter will be sent to all who are mentioned at the end of this letter, I am not asking any one to take up my Case nor am I requesting that anyone intercede in my litigation. Also as I understand it, in addition to the states psycho evaluation, I may also request a independent assessment. please advise. The following persons will be needed by me. please have all in Court for trial. The director of health and human services. Delaware. The director of the state welfare dept. Conn. Dr. phyllis James 1612 Ferry rd New Castle De. The director of psychology dept Christiana Hospital wilmington branch. the director of adult medicine, Christiana hospital, wilmington branch. director of the pulmonary dept Christiana hospital ~~new~~ and Newark branch. director of pulmonary surgery Temple university hospital. Pennsylvania The director of the psychology dept MPCJF wilm. + Smyrna. Mr. Edinger I hope that you will continue as my defense attorney. Though you most likely are not a Johnny or Jerry Spence, you did pass the bar. Therefore I hope and think you will do your best. I anticipate seeing you at MPCJF.

Office of Disciplinary Counsel

SUPREME COURT OF THE STATE OF DELAWARE

200 West Ninth Street
Suite 300-A
Wilmington, Delaware 19801
(302) 577-7042
(302) 577-7048 (FAX)

MARY M. JOHNSTON
Chief Counsel

ANDREA L. ROCANELLI
MICHAEL S. MCGINNISS
MARY SUSAN MUCH
Disciplinary Counsel

September 11, 2003

CONFIDENTIAL

Mr. Anthony A. Cooper, Jr. (#275064)
M.P.J.C.F.
P.O. Box 9561
Wilmington, DE 19809

Re: ODC File No. C03-9-2
(John S. Edinger, Jr., Esquire)

Dear Mr. Fryberger:

The Office of Disciplinary Counsel has received your complaint against John S. Edinger, Jr., Esquire, who has been representing you in your criminal matter.

This Office cannot intervene in a criminal proceeding for any reason. Furthermore, for your general information, this Office has no authority to vacate a plea or a conviction, reduce a sentence, appoint counsel to represent a defendant or grant any other type of substantive relief. This Office cannot act on your behalf to obtain copies of documents such as plea agreements, police reports, docket sheets and Rule 16 discovery motions. We cannot become involved in the scheduling of a criminal trial. We cannot advise you as to the status of your criminal case. More importantly, this Office does not adjudicate claims of ineffective assistance of counsel.

Your claim is that your attorney is failing to effectively represent you, in that he has not adequately communicated with you and has not clarified for you certain issues that you believe are relevant to your case. Where a complaint filed with this Office relates to alleged ineffective assistance of counsel, as your complaint does, this Office sends the complaint to the criminal defense attorney for appropriate action. This Office does not conduct a disciplinary evaluation or investigation for complaints such as yours because this Office has no jurisdiction to affect your criminal matter. Pre-trial and postconviction remedies are available to the criminal defendant for that purpose.

Ex.

C-3

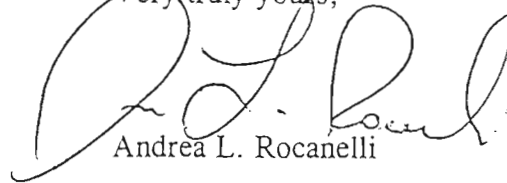
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Mr. Anthony A. Cooper, Jr.
September 11, 2003
Page Two

CONFIDENTIAL

Therefore, by copy of this letter with your complaint to Mr. Edinger, as well as to his supervisor, J. Dallas Winslow, Jr., Esquire, I am asking that they promptly evaluate your complaint and take any action they deem appropriate. I also remind Mr. Edinger of his obligations to communicate with his clients pursuant to Rule 1.4 of the Delaware Lawyers' Rules of Professional Conduct. **(However, I am not requesting a written response.)** Pursuant to the authority of this Office under Rule 9(a) of the Delaware Lawyers' Rules of Disciplinary Procedure, this matter is now closed.

Very truly yours,



Andrea L. Rocanelli

ALR:mmm

cc: John S. Edinger, Jr., Esquire (w/enc.)
J. Dallas Winslow, Jr., Esquire (w/enc.)

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE

VS.

ANTHONY A COOPER

Alias: NO ALIASES

DOB: 08/11/1948

SBI: 00275064

CASE NUMBER:
0301018775

CRIMINAL ACTION NUMBER:
IN03-02-0138
ASSAULT 1ST(F)
IN03-02-0136
PDWDCF(F)

SENTENCE ORDER

NOW THIS 21ST DAY OF NOVEMBER, 2003, IT IS THE ORDER OF
THE COURT THAT:

The defendant is adjudged guilty of the offense(s) charged.
The defendant is to pay the costs of prosecution and all
statutory surcharges.

AS TO IN03-02-0138- : TIS
ASSAULT 1ST

The defendant shall pay his/her restitution as follows:
\$12650.57 TO VIOLENT CRIMES COMP BOARD

Effective January 29, 2003 the defendant is sentenced
as follows:

- The defendant is placed in the custody of the Department
of Correction for 10 year(s) at supervision level 5
- Suspended after serving 4 year(s) at supervision level 5
- For 2 year(s) supervision level 3

AS TO IN03-02-0136- : TIS
PDWDCF

APPROVED ORDER 1 February 24, 2004 09:02

Exhibit-C-4

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SPECIAL CONDITIONS BY ORDER

STATE OF DELAWARE
VS.
ANTHONY A COOPER
DOB: 08/11/1948
SBI: 00275064

CASE NUMBER:
0301018775

Have no contact with Sylvia Jones

Have no contact with Dwight Bunting

JUDGE JOHN E BABIARZ JR.

FINANCIAL SUMMARY

STATE OF DELAWARE
VS.
ANTHONY A COOPER
DOB: 08/11/1948
SBI: 00275064

CASE NUMBER:
0301018775

SENTENCE CONTINUED:

TOTAL DRUG DIVERSION FEE ORDERED	
TOTAL CIVIL PENALTY ORDERED	
TOTAL DRUG REHAB. TREAT. ED. ORDERED	
TOTAL EXTRADITION ORDERED	
TOTAL FINE AMOUNT ORDERED	
FORENSIC FINE ORDERED	
RESTITUTION ORDERED	12650.57
SHERIFF, NCCO ORDERED	
SHERIFF, KENT ORDERED	
SHERIFF, SUSSEX ORDERED	
PUBLIC DEF, FEE ORDERED	50.00
PROSECUTION FEE ORDERED	100.00
VICTIM'S COM ORDERED	
VIDEOPHONE FEE ORDERED	2.00
<hr/>	
TOTAL	12,802.57

AGGRAVATING-MITIGATING

STATE OF DELAWARE
VS.
ANTHONY A COOPER
DOB: 08/11/1948
SBI: 00275064

CASE NUMBER:
0301018775

AGGRAVATING
CUSTODY STATUS AT TIME OF OFFENSE

Perjury – “To lie. (Where?) “ In Court.” (What can happen if you lie in court?)
“Nothing if you don’t get caught.” (And if you are caught?) “There can be a penalty.”

Legal Right – “A right according to the law – to have a witness is one.”

Sentence – “A determination of a Judge.”

Crime – “Something contrary to social rules, policies, and rights.”

Jury – “People who make a determination – anyone can sit – 6 to 12 people.” (Where?)
“Court.”

Judge – “He listens to evidence and determines sentences.”

When asked what his charges were, Mr. Cooper said, “My primary charge is Assault, First Degree, two charges of Possession of a Deadly Weapon, and Aggravated Menacing.” When asked when he was arrested, Mr. Cooper said 01/29/2003 in the morning.

Mr. Cooper was able to provide a description of the events prior to, and after the arrest. His description was provided in a sequential, logical, coherent, and goal-directed manner. He does suggest a period of amnesia during the time of the alleged offense.

Mr. Cooper said he was informed of his charges at “the police department in Wilmington – Downtown.” Mr. Cooper was asked if he had had a hearing yet, to which he replied, “I don’t know – on the 30th of September. I may have seen the Judge in Gander Hill.” (Have you read the charges against you?) “I read one statement. It don’t seem like they want me to have it.” (Do you think the charges against you are major or minor?) “Major.” (Are they felonies or misdemeanors?) “Felonies.” (If you were to be found guilty of this charge, what kind of sentence do you think you would get?) “Best guess – Habitual offender – twenty to life – if the prosecutor gets his way. If I plead guilty to Assault First Degree – zero to ten years. (If you were to found guilty, how do you think others will view your crime.) “Don’t think anybody is afraid.”

(What do you expect your lawyer to do in your case? “The best he can – to get it across to the Judge – it wasn’t a conscious event. I was medicating depression.” (What do you think the prosecutor will be doing in your case?) “Trying to get me the maximum sentence for the State. He will attempt to prove my guilt.”

(Where were you when this alleged offense occurred?) “211 W. 24th St.” (Who else was there?) “Victim and according to reports her brother.” (Do you remember the day, date, and time of the incident?) “There was a memorial service – after – 1/29/2003.”

(Who is your lawyer?) “Edinger. He found the time to talk to me about two months ago. (How easy is it for you to contact your lawyer?) “I have written him about his behavior. It was discouraging, but I asked him to keep the case. I wanted to work with him. I

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NO. 169

asked him to subpoena witnesses, if not, I asked the Judge to fire him." (Is your lawyer trying to help you?) "I don't feel he is helping. He demonstrated an attitude that it was just business. It seemed he was disgusted with me." (Do you have confidence that your lawyer will help you? "No." When asked again if he could work with his lawyer, Mr. Cooper indicated he would like to work with his lawyer, he just wants to feel his lawyer is fighting for him.

(How can you help your lawyer?) "I told him I don't have money. All I can contribute to this case is honesty. I will tell him the truth." (How can you be defended against the charges?) "I don't know of a defense. It wasn't intended. I want that explained. I want him to tell that I live in a neighborhood where weapons are needed." (Is it easy for you to understand your lawyer's instructions and advice?) "I can't advise a lawyer, but I can communicate with him. If my lawyer has my best interests at heart I can follow through."

(Will it be easy for you to understand the witnesses?) "I can't be sure – if my – I can understand you and I could understand someone else." (Can you pay attention in court?) "I am sure I can pay attention. I can have respectful behavior." (What happens if someone is disrespectful in court?) "The Judge could have a tantrum on him." (If a witness told a lie what would you do?) "I hope I can dispel it. (How?) "By telling the attorney sitting with me."

(Is it important for you to win this case?) "I think there will be consequences." (What is the verdict you expect?) "Guilty" (What happens if you lose?) "I will go to prison, if habitual, I will get many years." (What happens if you win?) "It depends. They could give me probation, if no probation, I would leave the state."

(Are you presently under the care of a doctor?) "Yes. Dr. Joshi." (How do you feel?) "Depressed." (On a scale of 1 to 10; 10 being the worst?) "Eight. Before the antidepressants ten. If I hadn't stopped taking my antidepressants maybe things would be better. I wasn't motivated to get my prescription filled." (How have you felt in jail?) "I have been getting along good. No problems with administration. I am using self-help material on depression everyday. I have two therapy groups and I speak with my therapist." (How is your appetite?) "Appetite hasn't been good for last year and a half. It fluctuates. Sleep can be a problem. I can't stay asleep." (How do you think you will handle being in court?) I guess. I imagine with Wellbutrin I will get some balance." (Can you make simple decisions?) "When I am balanced."

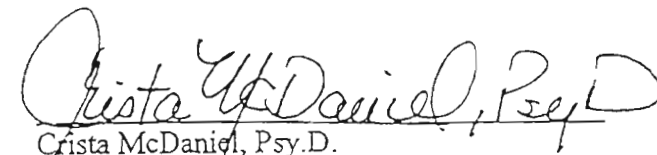
Therefore, it is my opinion that Mr. Cooper is capable of proceeding in this case. Although he entirely happy with the rapport he has established with his lawyer, he still indicates a desire to work with him, if Mr. Cooper feels the lawyer has his best interests in mind. Mr. Cooper is aware of the roles and terminology associated with the court, and he is very aware of the adversarial nature of the proceedings.

09/05/2003 09:39 MITCHELL BLGD → 95777849

NO. 189 [

ASSESSMENT:

As for treatment, Mr. Cooper indicates that he has established a strong therapeutic bond with his therapist at Gander Hill and her progress notes suggest that she has been very involved in his treatment. Her interventions appear to be very helpful to Mr. Cooper. This evaluator would not recommend changing his situation at this time, especially since he appears stable and he expresses a great deal of confidence in his treatment by Dr. Joshi and his therapist, Ms. Murcarella. If Mr. Cooper were to destabilize, then his needs should be evaluated at that time.


Crista McDaniel, Psy.D.
Psychologist